

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2569

IN THE MATTER OF:

Served June 26, 1984

Application of FRANK LEE for a )  
Certificate of Public Convenience )  
and Necessity to Engage in Special )  
Operations - Sightseeing and )  
Day School )

Case No. AP-84-29

By application filed June 8, 1984, Frank Lee, a sole proprietor, seeks a certificate of public convenience and necessity to transport passengers, and mail, express and baggage in the same vehicle with passengers, as follows:

- (1) Transportation of Tour (2) Sightseeing Tours Operating between Points of Interest within the Metropolitan District. (see Exhibit A). 1/

Applicant's tariff offers little amplification on this description. It refers to round-trip sightseeing or pleasure tours, via an 11-passenger van, between points in the Metropolitan District. Fares shown for specific tours are as follows:

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1/ Exhibit A reads as follows: "1. The applicant propose[s] to provide round trip transportation to students of the St. Patrick day school, on an irregular route, pursuant to an informal arrangement between applicant and individual parents of the children transported. The route operates generally between points in the District of Columbia and Southern Montgomery County, and Virginia, all within the Metropolitan District. 2. The applicant also proposes to conduct special operations consisting of sightseeing tours operating between points within the Metropolitan District. Specific points included on the tours are as follows: a. Ford's Theater; b. White House; c. Bureau of Engraving and Printing; d. Capitol; e. Smithsonian Institution; f. Lincoln Memorial; g. Jefferson Memorial; h. Arlington National Cemetery; i. Viet Nam Memorial. A map showing the relative locations of these points [is] attac[h]ed." The map also references Alexandria and Mt. Vernon, Va.

|                      | Building<br><u>Tour 2/</u> | City<br><u>Tour 3/</u> | Combination<br><u>Tour 4/</u> |
|----------------------|----------------------------|------------------------|-------------------------------|
| Approximate time     | 4 hours                    | 4 hours                | 7 hours                       |
| Adult Fare           | \$12.50                    | \$15.00                | \$27.50                       |
| Children (ages 5-11) | 6.25                       | 7.50                   | 13.75                         |
| Children under 5     | Free                       | Free                   | Free                          |

No rates are proposed for St. Patrick's day school. See footnote 1, supra.

Obviously, the exact scope of operating rights sought is less than clear. It appears that the application seeks to serve those points in the Metropolitan District which are prime sightseeing attractions namely the Mall area, Arlington National Cemetery, Alexandria and Mt. Vernon, Va. It shall also be assumed that authority is sought for St. Patrick's day school. So that the public, including potential protestants may be afforded accurate and reliable notice of the scope of this application, we hereby interpret the operating rights sought to be those described below.

(1) Special operations, between St. Patrick's Episcopal Day School, 4700 Whitehaven Parkway, N.W., Washington, D.C., on the one hand, and, on the other, points in the District of Columbia, that part of Montgomery County, Md., located south of Interstate Highway 495 (the Capitol Beltway), and those parts of Virginia located within the Metropolitan District;

(2) Special operations, restricted to lectured round-trip sightseeing tours, between Arlington National Cemetery, Alexandria and Mt. Vernon, Va., and points in that part of the District of Columbia south of a line beginning at the junction of Constitution Avenue, N.W., and Rock Creek Parkway, N.W., thence along Constitution Avenue, N.W., to 17th Street, N.W., thence along 17th Street, N.W., to Pennsylvania Avenue, N.W., thence along Pennsylvania Avenue, N.W., to 10th Street, N.W., thence along 10th Street, N.W., to F Street, N.W., thence along F Street, N.W., to 9th Street, N.W., thence along 9th Street, N.W., to Pennsylvania Avenue, N.W., thence along Pennsylvania Avenue, N.W., to Constitution Avenue, N.W., thence along Constitution Avenue, to its junction with 2nd Street, N.E.

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2/ Includes tours inside four buildings or memorials.

3/ Includes tours of the Lincoln Memorial, Alexandria, Va., and either Arlington National Cemetery or Mt. Vernon, Va.

4/ Combines building and city tours.

RESTRICTED in (1) and (2) above to the transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

In the event that applicant finds that this interpretation of his application does not accurately describe the operating rights sought, then Mr. Lee must, within five days from the date of service of this Order, file an appropriate amendment to his application. After five days, no expansive amendment will be considered absent a showing of unusually good cause.

Mr. Lee operates one 1984 11-passenger van. His undated balance sheet shows cash of \$10,000, the van (net of depreciation) valued at \$16,000, an equipment note payable of \$21,000 and surplus of \$5,000. Mr. Lee's operating statement does not specify the time period covered thereby. It shows sightseeing revenues of \$10,300 and operating expenses of \$8,063 for a before-tax operating ratio of .783. Also submitted are several letters and rider surveys which cannot be considered as evidence in this proceeding. Those documents shall be treated as correspondence.

Title II, Article XII, Section 4(b) of the Compact requires that a public hearing on this matter be held to determine (a) if applicant is fit, willing and able properly to perform the proposed service and to abide by the provisions of the Compact and the Commission's rules, regulations and orders thereunder, and (b) if the proposed service is required by the public convenience and necessity. Applicant must also be assessed a sum to cover the cost of said hearing pursuant to Title II, Article XII, Section 19 of the Compact.

THEREFORE, IT IS ORDERED:

1. That the above described application is hereby scheduled for public hearing to commence on Tuesday, July 31, 1984, at the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

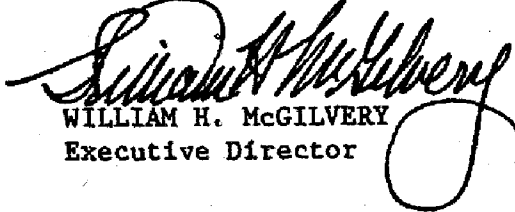
2. That any amendment to this application be filed no later than July 2, 1984.

3. That Frank Lee shall publish once in a newspaper of general circulation in the Metropolitan District, notice of the application docketed as Case No. AP-84-29 and the hearing thereon, in the form prescribed by the staff of the Commission, no later than Friday, July 6, 1984, and shall present at the hearing an affidavit of publication from the selected newspaper.

4. That any person desiring to protest the application docketed in Case No. AP-84-29 shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than July 18, 1984, and shall simultaneously serve a copy of such protest or notice on Frank Lee, 709 Burns Street, N.E., Washington, D.C. 20019.

5. That Frank Lee is hereby assessed \$500 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission, 1625 I Street, N.W., Suite 316, Washington, D.C. 20006, no later than 12 noon on July 23, 1984.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director